

Executive Summary – Enforcement Matter – Case No. 47796
ExxonMobil Oil Corporation
RN102450756
Docket No. 2013-1906-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

ExxonMobil Beaumont Refinery, 1795 Burt Street, Beaumont, Jefferson County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2013-1364-AIR-E, 2013-0809-AIR-E, and 2013-0587-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 7, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$87,500

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$43,750

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$43,750

Name of SEP: Southeast Texas Regional Planning Commission

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 47796
ExxonMobil Oil Corporation
RN102450756
Docket No. 2013-1906-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 7, 2013

Date(s) of NOE(s): February 21, 2013

Violation Information

Failed to prevent unauthorized emissions. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions No. 1, and Federal Operating Permit No. O2046, Special Terms and Conditions No. 14].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By February 17, 2013, the Respondent replaced the nozzle and modified the equipment to mitigate future leaks to prevent recurrence of emissions events due to same or similar causes as Incident No. 174745.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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ExxonMobil Oil Corporation
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Docket No. 2013-1906-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Gerald S. Frey, Refinery Manager, ExxonMobil Oil Corporation, 1795 Burt Street, Beaumont, Texas 77701

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1906-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ExxonMobil Oil Corporation
Penalty Amount:	Eighty-Seven Thousand Five Hundred Dollars (\$87,500)
SEP Amount:	Forty-Three Thousand Seven Hundred Fifty Dollars (\$43,750)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission - Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Administrator and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont Continuous Air Monitoring ("CAM") #2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Administrator and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency ("EPA") guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Administrator must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Administrator. The Third-Party Administrator may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-

butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Administrator. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director of Transportation & Environmental Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in No. 3 above, the Executive Director may require immediate payment of all or part of the SEP

ExxonMobil Oil Corporation
Agreed Order - Attachment A

amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ	DATES	Assigned	4-Oct-2013	Screening	4-Oct-2013	EPA Due	
	PCW		8-Oct-2013				

RESPONDENT/FACILITY INFORMATION			
Respondent	ExxonMobil Oil Corporation		
Reg. Ent. Ref. No.	RN102450756		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	47796	No. of Violations	1
Docket No.	2013-1906-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$50,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0%	Enhancement	Subtotals 2, 3, & 7	\$50,000
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Notes
Enhancement for five NOV's with same/similar violations, seven orders with denial of liability, and five orders without denial of liability. Reduction for one Notice of Intent to conduct an audit and two Disclosures of Violations submitted.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$12,500
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$44
Approx. Cost of Compliance \$2,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$87,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$87,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$87,500
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$87,500
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Screening Date 4-Oct-2013

Docket No. 2013-1906-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 47796

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 285%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with same/similar violations, seven orders with denial of liability, and five orders without denial of liability. Reduction for one Notice of Intent to conduct an audit and two Disclosures of Violations submitted.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 285%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 4-Oct-2013

Docket No. 2013-1906-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 3 (September 2011)

Case ID No. 47796

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions No. 1, and Federal Operating Permit No. O2046, Special Terms and Conditions No. 14

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 30,405.55 pounds ("lbs") of volatile organic compounds and 33.96 lbs of sulfur dioxide from a vapor line in the Alky-2 Unit, during an avoidable emissions event (Incident No. 174745) that began on October 12, 2012 and lasted for 190 hours. The event occurred due to a leak on the inlet nozzle on the D2 Caustic Scrubber, caused by corrosion due to the composition of the process stream. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 2

8 Number of violation days

mark only one with an x	daily	
	weekly	x
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$50,000

Two weekly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$12,500

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

The Respondent completed the corrective actions on February 17, 2013, prior to the February 21, 2013 NOE date.

Violation Subtotal \$37,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$44

Violation Final Penalty Total \$87,500

This violation Final Assessed Penalty (adjusted for limits) \$87,500

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation
Case ID No. 47796
Reg. Ent. Reference No. RN102450756
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	12-Oct-2012	17-Feb-2013	0.35	\$44	\$44

Notes for DELAYED costs

Estimated cost to replace the nozzle and modify the equipment to mitigate future leaks. The Date Required is the date the emissions event began. The Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$44

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PENDING Compliance History Report for CN600920748, RN102450756, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600920748, ExxonMobil Oil Corporation **Classification:** SATISFACTORY **Rating:** 5.52

Regulated Entity: RN102450756, EXXONMOBIL BEAUMONT REFINERY **Classification:** SATISFACTORY **Rating:** 15.59

Complexity Points: 44 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 1795 BURT ST BEAUMONT, TX 77701-6312, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50139

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30587

AIR NEW SOURCE PERMITS REGISTRATION 10291
AIR NEW SOURCE PERMITS REGISTRATION 12139
AIR NEW SOURCE PERMITS REGISTRATION 13120
AIR NEW SOURCE PERMITS REGISTRATION 22999
AIR NEW SOURCE PERMITS REGISTRATION 26121
AIR NEW SOURCE PERMITS REGISTRATION 26860
AIR NEW SOURCE PERMITS REGISTRATION 26859
AIR NEW SOURCE PERMITS REGISTRATION 31227
AIR NEW SOURCE PERMITS REGISTRATION 33907
AIR NEW SOURCE PERMITS REGISTRATION 34963
AIR NEW SOURCE PERMITS REGISTRATION 40837
AIR NEW SOURCE PERMITS REGISTRATION 42730
AIR NEW SOURCE PERMITS REGISTRATION 42951
AIR NEW SOURCE PERMITS REGISTRATION 43433
AIR NEW SOURCE PERMITS REGISTRATION 44038
AIR NEW SOURCE PERMITS PERMIT 49138
AIR NEW SOURCE PERMITS REGISTRATION 102097
AIR NEW SOURCE PERMITS REGISTRATION 90127
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992
AIR NEW SOURCE PERMITS REGISTRATION 72569
AIR NEW SOURCE PERMITS REGISTRATION 74552
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX799
AIR NEW SOURCE PERMITS REGISTRATION 92941
AIR NEW SOURCE PERMITS REGISTRATION 79641
AIR NEW SOURCE PERMITS REGISTRATION 86452
AIR NEW SOURCE PERMITS REGISTRATION 85990
AIR NEW SOURCE PERMITS REGISTRATION 88261
AIR NEW SOURCE PERMITS REGISTRATION 90845
AIR NEW SOURCE PERMITS REGISTRATION 90733
AIR NEW SOURCE PERMITS REGISTRATION 89878
AIR NEW SOURCE PERMITS REGISTRATION 89318
AIR NEW SOURCE PERMITS REGISTRATION 85988
AIR NEW SOURCE PERMITS REGISTRATION 90917
AIR NEW SOURCE PERMITS REGISTRATION 87903
AIR NEW SOURCE PERMITS REGISTRATION 90328

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD990797714

AIR NEW SOURCE PERMITS PERMIT 7208

AIR NEW SOURCE PERMITS REGISTRATION 11306
AIR NEW SOURCE PERMITS REGISTRATION 12817
AIR NEW SOURCE PERMITS REGISTRATION 15261
AIR NEW SOURCE PERMITS REGISTRATION 24159
AIR NEW SOURCE PERMITS REGISTRATION 27000
AIR NEW SOURCE PERMITS REGISTRATION 27539
AIR NEW SOURCE PERMITS REGISTRATION 30543
AIR NEW SOURCE PERMITS REGISTRATION 33642
AIR NEW SOURCE PERMITS REGISTRATION 34543
AIR NEW SOURCE PERMITS REGISTRATION 37234
AIR NEW SOURCE PERMITS REGISTRATION 42051
AIR NEW SOURCE PERMITS REGISTRATION 42852
AIR NEW SOURCE PERMITS REGISTRATION 43132
AIR NEW SOURCE PERMITS REGISTRATION 43675
AIR NEW SOURCE PERMITS REGISTRATION 47175
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0067I
AIR NEW SOURCE PERMITS AFS NUM 4824500018
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX932
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768M1
AIR NEW SOURCE PERMITS REGISTRATION 54487
AIR NEW SOURCE PERMITS REGISTRATION 56428
AIR NEW SOURCE PERMITS REGISTRATION 75172
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX802
AIR NEW SOURCE PERMITS REGISTRATION 78516
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992M1
AIR NEW SOURCE PERMITS REGISTRATION 85876
AIR NEW SOURCE PERMITS REGISTRATION 87029
AIR NEW SOURCE PERMITS REGISTRATION 87499
AIR NEW SOURCE PERMITS REGISTRATION 90470
AIR NEW SOURCE PERMITS REGISTRATION 91409
AIR NEW SOURCE PERMITS REGISTRATION 90859
AIR NEW SOURCE PERMITS REGISTRATION 87985
AIR NEW SOURCE PERMITS REGISTRATION 90462
AIR NEW SOURCE PERMITS REGISTRATION 91236
AIR NEW SOURCE PERMITS REGISTRATION 89728
AIR NEW SOURCE PERMITS REGISTRATION 88089

AIR NEW SOURCE PERMITS REGISTRATION 79540

WASTEWATER PERMIT WQ0003426000

AIR OPERATING PERMITS PERMIT 1999

AIR OPERATING PERMITS PERMIT 1871

AIR OPERATING PERMITS ACCOUNT NUMBER JE0067I

AIR OPERATING PERMITS PERMIT 1998

AIR OPERATING PERMITS PERMIT 2036

AIR OPERATING PERMITS PERMIT 2040

AIR OPERATING PERMITS PERMIT 2042

AIR OPERATING PERMITS PERMIT 2044

AIR OPERATING PERMITS PERMIT 2046

AIR OPERATING PERMITS PERMIT 2048

AIR OPERATING PERMITS ACCOUNT NUMBER JE0067I

AIR OPERATING PERMITS PERMIT 1870

AIR OPERATING PERMITS PERMIT 1998

AIR OPERATING PERMITS PERMIT 2000

AIR OPERATING PERMITS PERMIT 2037

AIR OPERATING PERMITS PERMIT 2040

AIR OPERATING PERMITS PERMIT 2042

AIR OPERATING PERMITS PERMIT 2044

AIR OPERATING PERMITS PERMIT 2047

AIR OPERATING PERMITS PERMIT 2049

STORMWATER PERMIT TXR05K942

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0067I

AIR NEW SOURCE PERMITS REGISTRATION 108777

WASTEWATER EPA ID TX0118737

AIR OPERATING PERMITS PERMIT 1356

AIR OPERATING PERMITS PERMIT 2037

AIR OPERATING PERMITS PERMIT 1870

AIR OPERATING PERMITS PERMIT 2000

AIR OPERATING PERMITS PERMIT 2039

AIR OPERATING PERMITS PERMIT 2041

AIR OPERATING PERMITS PERMIT 2043

AIR OPERATING PERMITS PERMIT 2045

AIR OPERATING PERMITS PERMIT 2047

AIR OPERATING PERMITS PERMIT 2049

AIR OPERATING PERMITS PERMIT 1356

AIR OPERATING PERMITS PERMIT 1871

AIR OPERATING PERMITS PERMIT 1999

AIR OPERATING PERMITS PERMIT 2036

AIR OPERATING PERMITS PERMIT 2039

AIR OPERATING PERMITS PERMIT 2041

AIR OPERATING PERMITS PERMIT 2043

AIR OPERATING PERMITS PERMIT 2046

AIR OPERATING PERMITS PERMIT 2048

PETROLEUM STORAGE TANK REGISTRATION 12825

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION

(SWR) 30587

POLLUTION PREVENTION PLANNING ID NUMBER
P00441

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: October 04, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 04, 2008 to October 04, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jessica Schildwachter

Phone: (512) 239-2617

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 02/08/2009 ADMINORDER 2008-0821-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:49151 PERMIT
O-02041 OP
Description: Failure to limit emissions from Crude Unit A to the authorized limit found in Permit 49151.
- 2 Effective Date: 03/12/2009 ADMINORDER 2008-1230-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:19566/PSD-TX-768M1 and PSD-TX-932 PERMIT
O-02048 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

3 Effective Date: 08/23/2009 ADMINORDER 2008-0153-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:19566/PSD-TX-768M1/PSD-TX-49 PERMIT
46534 PERMIT

Description: Failed to prevent unauthorized emissions from the Coker Flare (EPN 60FLR_004) and the Fluid Catalytic Cracking Unit Scrubber (EPN 06STK_00) during an emissions event that began on January 12, 2007 and lasted 31 hours, releasing 45.55 tons of SO₂, 3,490 lbs of VOC, 307 lbs of NO_x, 990 lbs of H₂S, and 2,219 lbs of CO from the Coker Flare and 26.29 tons of CO from the Fluid Catalytic Cracking Unit Scrubber.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:19566/PSD-TX-768M1/PSD-TX-49 PERMIT

Description: Failed to prevent unauthorized emissions from the Coker Flare (EPN 60FLR_004) during an emissions event that began on May 6, 2007 and lasted 34 hours and 15 minutes, releasing 83.127 tons of SO₂, 7,873 lbs of VOC, 906 lbs of NO_x, 1,806 lbs of H₂S, and 6,544 lbs of CO.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:49146 PERMIT

Description: Failed to prevent unauthorized emissions from the Effluent Water Treatment System (EPN 47FUG_001) and Tank 594 (EPN 49 TIF_0594) during an emissions event that began on April 27, 2007 and lasted 27 hours and 30 minutes, releasing 48.4 lbs of benzene, a VOC, from the Effluent Water Treatment System and 633.66 lbs of VOC were released from Tank 594.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:19566 PERMIT

O-01871 OP

Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR_004, in the Coker Unit during an emissions event (Incident No. 95371) that occurred on August 2, 2007 and lasted three thours and 50 minutes, releasing 13,796.40 lbs of SO₂, 419.20 lbs of CO, 149.90 lbs of H₂S, 57.70 lbs of NO_x, and 644 lbs of VOC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:19566 PERMIT

O-01871 OP

Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR_004, in the Coker Unit during an emissions event (Incident No. 95960) that occurred on August 14, 2007 and lasted 12 hours and 41 minutes, releasing 33,632.20 lbs of SO₂, 1,062.60 lbs of CO, 365.50 lbs of H₂S, 147.10 lbs of NO_x, and 1,548.35 lbs of VOC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:19566 PERMIT

O-01871 OP

Description: Failed to prevent unauthorized emissions from the Coker Flare, EPN 60FLR_004, during an emissions event that began on September 18, 2007 and lasted for 72 hours and 34 minutes, releasing 79,666 lbs of SO₂, 3,750 lbs of VOC, 2,438 lbs of CO, and 865 lbs of H₂S.

4 Effective Date: 10/04/2009 ADMINORDER 2009-0568-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:19566/PSD-TX-768M1 and PSD-TX-932 PERMIT
O-02039 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:49138 PERMIT
O-01870 OP

Description: Failure to limit emissions from the CHD-1 Flare to the authorized limit found in Permit 49138.

5

Effective Date: 10/18/2009 ADMINORDER 2009-0153-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report on a September 28, 2003 shut down requiring two reports and seven other reports on emissions events beginning on September 4, 2003 through December 22, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions during an emissions event in the Gas Plant 5 East (GP5E) Unit Debutanizer Tower that began on October 8, 2003 and lasted 2 hours 51 minutes, releasing 162,511.4 lbs of butane, 165,029.5 lbs of n-isobutane, and 89.62 lbs of NOx. Since the emissions event was not properly reported, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions during an emissions event in the Catalyst HydroDesulfurization - 1 Flare that began on September 23, 2003 and lasted 2 hours 23 minutes, releasing 1,113,30 lbs of H2S. Since this emissions event was not properly reported, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report within 24 hrs of an emissions event at the FCC Unit discovered on 11/11/2003 at 19:10, but not reported to the TCEQ until 11/14/2003 at 21:01; and an emissions event at the FGR Unit discovered on 02/11/2004 at 09:10, but not reported until 02/12/2004 at 14:24. ExxonMobil also failed to submit a copy of the final report to the TCEQ no later than within two weeks after the end of the emissions event at the FCC Unit which ended on 11/11/2003 at 13:27.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18425 PERMIT

Description: Failed to prevent unauthorized emissions from the FGR Unit that began on February 11, 2004 at 09:10 hours and lasted till 16:40 hours (7 hours 30 minutes) releasing 28.18 lbs of H2S. Since the emissions event was avoidable, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions during an emissions event at the Sulfur Plant 3 that began on March 9, 2004 and lasted 1 hour and 23 minutes, releasing 50.00 lbs of CO, 516.47 lbs of H2S, 6.95 lbs of NOx, 49,374.20 lbs of SO2, and 19.98 lbs of VOC. In addition, results from a TCEQ air dispersion modeling audit showed the maximum predicted SO2 ground level concentration was 0.61 ppmv during the emissions event; therefore the 30-minute average SO2 net ground level concentration standard

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-02044 OP

Permit 46534/PSD-TX-992 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, ExxonMobil released 171,709.43 lbs of unauthorized carbon monoxide and 1,551.28 lbs of unauthorized ammonia from the Carbon Monoxide Boiler Unit during an avoidable emissions event that began May 10, 2008 and lasted seven hours and 18 minutes. The root cause of the event was the boiler water feed level dropping below a safe level, causing the unit to automatically shut down. Since this emissions event could have been avoided by better oper

- 6 Effective Date: 06/04/2010 ADMINORDER 2009-1194-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov:24-hour Acute Biomonitoring Requirements PERMIT
Description: Failure to timely submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review.
- 7 Effective Date: 10/15/2010 ADMINORDER 2010-0586-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O-02048, General Terms and Condition OP
FOP O-02048, Special Condition 11 OP
NSR Permit 19566, Special Condition 1 PERMIT
Description: Failure to maintain emission rates below the allowable emission limits.
- 8 Effective Date: 11/15/2010 ADMINORDER 2010-0258-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O-01998 General Terms and Conditions OP
FOP O-01998 Special Condition 15 OP
NSR Permit 19566, Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the allowable limit for CO from the Crude B Vacuum Heater [Emission Point Number ("EPN") 05STK_002], and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the permitted rolling CO emission limit of 8.20 tpy during the January 1, 2007 through December 31, 2007 period by 15.26 tpy and during the January 1, 2008 through December 31, 2008 period by 12.92 tpy.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O-02041, General Terms and Condition OP
FOP O-02041, Special Condition 13 OP
NSR Permit 49151, Special Condition 1 PERMIT
Description: Failed to maintain emission rates below the allowable limits for CO and sulfur dioxide ("SO2") from the Atmospheric Heater B1-A (EPN 36STK_002). Specifically, the Respondent exceeded the permitted CO emission limit of 18.72 lbs/hr on February 29, 2008, May 13, 2008, May 16, 2008, and June 11, 2008 with a total exceedance of 68.02 lbs. In addition, the permitted SO2 emission limit of 6.60 lbs/hr was exceeded on February 2, 2008, February 3, 2008, and March 2, 2008 with a total exceedance of 5.80 l
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02041, General Terms and Condition OP

FOP O-02041, Special Condition 13 OP

NSR Permit 49151, Special Condition 1 PERMIT

Description: Failed to maintain emission rates below the allowable limits for CO and SO2 from the Atmospheric Heater B1-B (EPN 36STK_004). . Specifically, the Respondent exceeded the permitted CO emission limit of 18.72 lbs/hr on August 10, 2008 and January 18, 2009 with a total exceedance of 10.46 lbs. In addition, the permitted SO2 emission limit of 6.60 lbs/hr was exceeded on February 2, 2008 and February 3, 2008 with a total exceedance of 10.50 lbs.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02041, General Terms and Condition OP

FOP O-02041, Special Condition 13 OP

NSR Permit 49151, Special Condition 1 PERMIT

Description: Failed to maintain emission rates below the allowable limits for SO2 from the Vacuum Heater B-2 (EPN 36STK_006). Specifically, the Respondent exceeded the permitted SO2 emission limit of 2.48 lbs/hr on February 2, 2008, February 3, 2008, and March 2, 2008 with a total exceedance of 6.36 lbs.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02045 General Terms and Conditions OP

FOP O-02045 Special Condition No. 13 OP

NSR Permit 49145, Special Condition 1 PERMIT

Description: Failed to comply with permitted emission limits. Specifically, during an emissions event (Incident No. 129619) that began on September 18, 2009, the Respondent failed to prevent a back-flow between the No. 1 Deethanizer Tower and No. 2 Deethanizer Tower, causing the unauthorized release of 7,957.50 lbs of propane, 21.20 lbs of ethylene, 63.50 lbs of propylene, 2,105 lbs of isobutane, 1,535.50 lbs of butane, 42.3 lbs of butene, 217.80 lbs of pentane, and 490.20 lbs of isopentane from the No. 1 De

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov:General Terms and Conditions OP

NSR 49151 SC 1 OP

Special Terms and Conditions No. 13 OP

Description: Failed to maintain emission rates below the allowable limits for SO2 from the Vacuum Heater B-3 (EPN 36STK_007), as documented during an investigation conducted on November 20, 2009. Specifically, the Respondent exceeded the permitted SO2 emission limit of 2.48 lbs/hr on February 2, 2008 and March 2, 2008 with a total exceedance of 2.34 lbs.

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Effective Date: 03/19/2011 ADMINORDER 2010-1114-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02036 General Terms and Conditions OP

FOP O-02036, Special Condition 2F OP

Description: Failed to report an emissions event within 24 hours after the discovery. RE had an emissions event on January 9, 2010 that was not reported until January 11, 2010.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:NSR PERMIT 49138, Special Condition 13 PERMIT

NSR Permit 49138, Special Condition 16 PERMIT

NSR Permit 49138, Special Condition 17 PERMIT

NSR Permit 49138, Special Condition 18 PERMIT

Description: Failed to maintain emission levels below 1.0 lb of PM per 1,000 lbs of coke burned.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02036, General Terms and Condition OP
FOP O-02036, Special Condition 11 OP
NSR Permit 49138, Special Condition 1 PERMIT
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

10 Effective Date: 10/02/2011 ADMINORDER 2011-0374-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-768M1 PERMIT
PSD-TX-932 PERMIT
Special Condition 1 PERMIT
Special Condition 14 OP

Description: Failure to maintain emission rates below the allowable emission limits. EIC A8(c)(2)(A)(ii) MOD 2D

11 Effective Date: 10/27/2012 ADMINORDER 2012-0384-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 11 OP
Special Condition 13 OP
Special Condition 7 OP

Description: Failed to prevent unauthorized emissions.

12 Effective Date: 06/03/2013 ADMINORDER 2012-2329-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 of NSR 49138 PERMIT

Description: Failed to prevent unauthorized emissions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 05, 2009	(721835)
Item 2	March 03, 2009	(736939)
Item 3	March 06, 2009	(773109)
Item 4	March 27, 2009	(739156)
Item 5	April 06, 2009	(741350)
Item 6	April 16, 2009	(773110)
Item 7	May 14, 2009	(744739)

Item 8	May 18, 2009	(773112)
Item 9	May 22, 2009	(773111)
Item 10	July 16, 2009	(747896)
Item 11	July 22, 2009	(819506)
Item 12	July 23, 2009	(759123)
Item 13	August 20, 2009	(819507)
Item 14	August 28, 2009	(760750)
Item 15	August 31, 2009	(765941)
Item 16	September 03, 2009	(766203)
Item 17	September 08, 2009	(819508)
Item 18	September 28, 2009	(777659)
Item 19	October 01, 2009	(764862)
Item 20	October 23, 2009	(780020)
Item 21	October 29, 2009	(777718)
Item 22	November 03, 2009	(780848)
Item 23	November 11, 2009	(778662)
Item 24	December 22, 2009	(819511)
Item 25	December 23, 2009	(782616)
Item 26	February 19, 2010	(819504)
Item 27	February 24, 2010	(789976)
Item 28	March 22, 2010	(792703)
Item 29	April 14, 2010	(836078)
Item 30	April 26, 2010	(796278)
Item 31	May 07, 2010	(800781)
Item 32	May 19, 2010	(800571)
Item 33	May 20, 2010	(836079)
Item 34	May 26, 2010	(798629)
Item 35	June 21, 2010	(847869)
Item 36	June 22, 2010	(824891)
Item 37	July 12, 2010	(862277)
Item 38	August 15, 2010	(843986)
Item 39	August 17, 2010	(868889)
Item 40	August 18, 2010	(868888)
Item 41	September 02, 2010	(875747)
Item 42	October 12, 2010	(883318)
Item 43	October 18, 2010	(842428)
Item 44	October 29, 2010	(872164)
Item 45	November 10, 2010	(873621)
Item 46	November 12, 2010	(889719)
Item 47	November 15, 2010	(872170)
Item 48	December 15, 2010	(898089)
Item 49	December 31, 2010	(903989)
Item 50	January 03, 2011	(886717)
Item 51	February 12, 2011	(894965)
Item 52	February 22, 2011	(910870)
Item 53	February 28, 2011	(887885)
Item 54	March 06, 2011	(918136)
Item 55	March 17, 2011	(893018)
Item 56	March 31, 2011	(939845)
Item 57	April 07, 2011	(930462)
Item 58	April 15, 2011	(907888)
Item 59	April 18, 2011	(912915)
Item 60	April 26, 2011	(907669)
Item 61	April 27, 2011	(907221)
Item 62	June 10, 2011	(912391)
Item 63	June 13, 2011	(880219)
Item 64	June 28, 2011	(933481)
Item 65	June 30, 2011	(947258)
Item 66	July 19, 2011	(954516)
Item 67	August 05, 2011	(944985)
Item 68	August 11, 2011	(944157)

Item 69	August 15, 2011	(961099)
Item 70	August 16, 2011	(936712)
Item 71	August 28, 2011	(948634)
Item 72	September 08, 2011	(967185)
Item 73	October 07, 2011	(957505)
Item 74	October 12, 2011	(958107)
Item 75	October 13, 2011	(973154)
Item 76	November 28, 2011	(979292)
Item 77	November 30, 2011	(969907)
Item 78	December 09, 2011	(970433)
Item 79	January 13, 2012	(992486)
Item 80	January 17, 2012	(986122)
Item 81	January 20, 2012	(975676)
Item 82	January 25, 2012	(982065)
Item 83	February 13, 2012	(999793)
Item 84	February 17, 2012	(976135)
Item 85	February 20, 2012	(982393)
Item 86	February 29, 2012	(988041)
Item 87	March 09, 2012	(990394)
Item 88	March 12, 2012	(1005336)
Item 89	March 16, 2012	(981556)
Item 90	March 19, 2012	(994229)
Item 91	March 23, 2012	(989958)
Item 92	April 16, 2012	(997030)
Item 93	April 26, 2012	(1011911)
Item 94	May 14, 2012	(1018279)
Item 95	May 24, 2012	(1002874)
Item 96	May 25, 2012	(1007314)
Item 97	June 09, 2012	(1003331)
Item 98	June 14, 2012	(1026004)
Item 99	July 16, 2012	(1015552)
Item 100	July 19, 2012	(1033363)
Item 101	August 22, 2012	(1039886)
Item 102	September 17, 2012	(1048834)
Item 103	September 26, 2012	(1030855)
Item 104	September 28, 2012	(1035478)
Item 105	October 12, 2012	(1069740)
Item 106	October 13, 2012	(1028273)
Item 107	October 29, 2012	(1030544)
Item 108	November 07, 2012	(1037821)
Item 109	November 26, 2012	(1069741)
Item 110	December 05, 2012	(1050208)
Item 111	December 11, 2012	(1069742)
Item 112	December 27, 2012	(1042292)
Item 113	January 09, 2013	(1052506)
Item 114	January 15, 2013	(1082953)
Item 115	January 22, 2013	(1053439)
Item 116	January 30, 2013	(1053350)
Item 117	February 12, 2013	(1082952)
Item 118	February 13, 2013	(1056756)
Item 119	February 21, 2013	(1054877)
Item 120	March 12, 2013	(1091221)
Item 121	April 15, 2013	(1078465)
Item 122	April 17, 2013	(1097556)
Item 123	May 07, 2013	(1087422)
Item 124	May 09, 2013	(1108583)
Item 125	June 24, 2013	(1112155)
Item 126	June 27, 2013	(1094435)
Item 127	July 12, 2013	(1100381)
Item 128	July 18, 2013	(1119106)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 10/12/2012 (1035797) CN600920748
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 OP
Special Condition 12 OP
Special Condition 13 PERMIT
Special Condition 14 OP
Special Condition 47 PERMIT
Special Condition 9(B) PERMIT
Description: Failure to comply with the H2S emissions limit of 162 ppm, as specified in Special Condition 9(B) of Permit 49138.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report the late submittal of the semi-annual deviation report for FOP-O-02042 for the period of August 1, 2010, through January 31, 2011, in a timely manner and failure to accurately certify the Annual Compliance Certification (ACC) for the period of August 1, 2010 through July 31, 2011.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 OP
Special Condition 14 OP
Special Condition 59(E) PERMIT
Description: Failure to plug an open-ended line.
- 2 Date: 02/12/2013 (1055262) CN600920748
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report all instances of deviations and accurately certify the Permit Compliance Certification.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 OP
Special Condition 66(c) PERMIT
Description: Failure to change out the carbon canister at the wharf #2 sump within four hours of breakthrough.
Self Report? NO Classification: Moderate
Citation: Special Condition 13 PERMIT
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Description: Failure to install vacuum breaker gaskets on Tank 1335 during tank operation.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP

Special Condition 13 PERMIT

Description: Failure to submit notification within 30 days of reconstruction of Tank 1314.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 53(H)(2) PERMIT
 Description: Failure to have the slotted guide pole floats rest on the liquids.

3

Date: 04/04/2013 (1072885) CN600920748
 Self Report? NO Classification: Moderate
 Citation: Special Condition 29 PERMIT
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 15 OP
 Description: Failure to maintain NOx concentration within permitted limits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 15 OP
 Description: Failure to submit Permit by Rule (PBR) registration 106.261 in a timely manner.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 15 OP
 Special Condition 27 PERMIT
 Description: Failure to maintain NOx concentration within permitted limits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 9(B) PERMIT
 Description: Failure to combust refinery fuel gas with a H2S content of less than 162 ppm.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Condition 7 PERMIT
 Special Condition 13 OP
 Special Condition 3(A)(iii) OP
 Description: Failure to maintain annual visible emissions observation records.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 60(A) PERMIT
 Description: Failure to conduct AVO checks for ammonia leaks every four hours in the Power Plant 4 fugitive area.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 60(C) PERMIT
 Description: Failure to maintain accurate AVO records for ammonia leak checks in the Power Plant 4 fugitive area.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to report all instances of deviations and accurately certify the Permit Compliance Certification.

Date: 05/01/2013 (1086470) CN600920748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)
5C THSC Chapter 382 382.085(b)
Special Condition 15(H) PERMIT
Special Condition 7 OP

Description: Failure to operate flares in accordance with the requirements of 40 CFR Part 60, Subpart J.

Self Report? NO Classification: Moderate

Citation: Special Condition 15(B) PERMIT
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7 OP

Description: Failure to operate the flare with a flame present at all times.

Self Report? NO Classification: Moderate

Citation: Special Condition 15(A) PERMIT
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 7 OP

Description: Failure to operate the flare in accordance with the specifications of minimum heating values as required by 40 CFR 60.18 and 40 CFR 63.11.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 9(B) PERMIT

Description: Failure to maintain fuel specifications which states that combustion sources shall not contain more than 162 ppm of H₂S as determined by a three hour rolling average.

Self Report? NO Classification: Moderate

Citation: Special Condition 1 PERMIT
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 15 OP

Description: Failure to maintain emissions below allowable limits.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 42 PERMIT

Description: Failure to maintain emissions from the Sulfur pits as permitted by SC 42 of Permit 49138.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 39 PERMIT

Description: Failure to operate the thermal oxidizer with a firebox temperature no less than 950 degrees Fahrenheit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 36(A) PERMIT

Description: Failure to maintain H₂S concentration below allowable limits.

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-2
5C THSC Chapter 382 382.085(b)
Special Condition 14 OP
Special Condition 59(H) PERMIT
Description: Failure to repair a leaking component in a timely manner.

F. Environmental audits:

Notice of Intent Date: 06/10/2008 (766059)

Disclosure Date: 06/15/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)

Description: Failure to include some Management of Changes in the appropriate annual registration for the years 2002-2006.

Notice of Intent Date: 07/06/2009 (762209)

Disclosure Date: 01/04/2010

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered engine utilized to supplement Coker Unit Compressed Air Supply.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered water pump utilized to transfer collected storm water from the old inlet canal following the landfall of Hurricane Ike.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered water pump utilized to temporarily replace No. 1 Lift Station Electrical Pumps damaged during the landfall of Hurricane Ike.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for a portable diesel powered water pump utilized to replace permanent pumps at the 55 Pump Station.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for four portable air compressors used to provide compressed air to the Refinery's Instrument Air System.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXONMOBIL OIL CORPORATION
RN102450756**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1906-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ExxonMobil Oil Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery at 1795 Burt Street in Beaumont, Jefferson County, Texas ("the Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted on January 7, 2013, TCEQ staff documented that the Respondent released 30,405.55 pounds ("lbs") of volatile organic compounds and 33.96 lbs of sulfur dioxide from a vapor line in the Alky-2 Unit, during an avoidable emissions event (Incident No. 174745) that began on October 12, 2012 and lasted for 190 hours. The event occurred due to a leak on the inlet nozzle on the D2 Caustic Scrubber, caused by corrosion due to the composition of the process stream. The TCEQ determined that the emissions event could have been avoided through better operational practices.
4. The Respondent received notice of the violations on February 22, 2013.
5. The Executive Director recognizes that by February 17, 2013, the Respondent replaced the nozzle and modified the equipment to mitigate future leaks to prevent recurrence of emissions events due to same or similar causes as Incident No. 174745.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions No. 1, and Federal Operating Permit No. O2046, Special Terms and Conditions No. 14. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Eighty-Seven Thousand Five Hundred Dollars (\$87,500) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Forty-Three Thousand Seven Hundred Fifty Dollars (\$43,750) of the administrative penalty. Forty-Three Thousand Seven Hundred Fifty Dollars (\$43,750) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Eighty-Seven Thousand Five Hundred Dollars (\$87,500) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Oil Corporation, Docket No. 2013-1906-AIR-E " to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Forty-Three Thousand Seven Hundred Fifty Dollars (\$43,750) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
5. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramona Barrios

For the Executive Director

4/2/14

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of ExxonMobil Oil Corporation. I am authorized to agree to the attached Agreed Order on behalf of ExxonMobil Oil Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, ExxonMobil Oil Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Gerald S. Frey
Signature

Nov 22 2013
Date

Gerald S Frey
Name (Printed or typed)
Authorized Representative of
ExxonMobil Oil Corporation

Refinery Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-1906-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ExxonMobil Oil Corporation
Penalty Amount:	Eighty-Seven Thousand Five Hundred Dollars (\$87,500)
SEP Amount:	Forty-Three Thousand Seven Hundred Fifty Dollars (\$43,750)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission - Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Administrator and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont Continuous Air Monitoring ("CAM") #2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

ExxonMobil Oil Corporation
Agreed Order - Attachment A

8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Administrator and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency ("EPA") guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Administrator must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Administrator. The Third-Party Administrator may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-

ExxonMobil Oil Corporation
Agreed Order - Attachment A

butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Administrator. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director of Transportation & Environmental Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in No. 3 above, the Executive Director may require immediate payment of all or part of the SEP

ExxonMobil Oil Corporation
Agreed Order - Attachment A

amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.